

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

YOSEF NAHUM,

a/k/a JOSEF NAHUM,

a/k/a JOE NAHAM,

a/k/a YOSI DEREI,

a/k/a AVNERY YOSEFY,

a/k/a RAYMOND NIELSEN,

a/k/a NIELSEN RAYMOND,

Defendant.

NO. CR03-0343FDB

PRELIMINARY ORDER OF
FORFEITURE

Pursuant to Rule 32.2 Federal Rules of Criminal Procedure and based upon the verdict of guilty returned by the jury against defendant Yosef Nahum, as to the offenses charged in Counts 1, 10, 12, 13, and 18 of the Indictment herein, charging conspiracy in violation of Title 18, United States Code, Section 371 to commit wire fraud, in violation of Title 18, United States Code, Section 1343 and 2, and interference with commerce by extortion, in violation of Title 18, United States Code, Section 1951 and 2, and Counts 10-13, and 18 charging interference with commerce by extortion, in violation of Title 18, United States Code, Sections 1951 and 2, it is hereby

ORDERED, ADJUDGED and DECREED that pursuant to Title 18, United States

1 Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), Yosef
2 Nahum's interest in the following property is forfeited to the United States of America:

- 3 a. One 1999 Mitsubishi Fuso truck, VIN JW6DEMIF2XM000668;
- 4 b. One 2002 Toyota Tacoma truck, VIN 5TEHN72N62Z132317; and
- 5 c. One 1999 Mazda Miata automobile, VIN JM1NB3534X0102156.

6 IT IS FURTHER ORDERED that the United States Marshals Service, and/or its
7 agents and representatives, shall seize the above-described assets, and maintain the assets
8 in its custody and control until further order of this Court.

9 IT IS FURTHER ORDERED that pursuant to Title 21, United States Code,
10 Section 853(n)(1), the United States shall publish notice of this Preliminary Order of
11 Forfeiture and of the United States' intent to dispose of the property in accordance with
12 law. The notice shall run for one (1) day each week for three (3) consecutive weeks in
13 the Seattle Daily Journal of Commerce and/or any other appropriate newspaper of general
14 circulation. The notice shall state that any person, other than the defendant, having or
15 claiming a legal interest in the above-described property must file a petition with the
16 Court within thirty (30) days of the final publication of notice or of receipt of actual
17 notice, whichever is earlier.

18 The notice shall advise such interested persons that: (1) the petition shall be for a
19 hearing to adjudicate the validity of the petitioner's alleged interest in the above-
20 described property; (2) the petition shall be signed by the petitioners under penalty of
21 perjury; and (3) the petition shall set forth the nature and extent of the petitioner's right,
22 title or interest in the forfeited property. The petition shall also set forth any additional
23 facts supporting the petitioner's claim and the relief sought.

24 The United States shall also, to the extent possible, provide direct written notice as
25 a substitute for published notice to any person known to have an alleged interest in the
26 above-described property that is the subject of this Preliminary Order of Forfeiture.

27 Upon adjudication of any third-party claims, this Court will enter a Final Order of
28 Forfeiture pursuant to Title 21, United States Code, Section 853(n), in which all such

1 claims will be addressed.

2 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3), Federal Rules of
3 Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to the
4 defendant at the time of sentencing and shall be made part of the sentence and included in
5 the judgment. If no third party files a timely claim, this Order shall become the Final
6 Order of Forfeiture as provided by Rule 32.2(c)(2), Federal Rules of Criminal Procedure.

7 IT IS FURTHER ORDERED that after the disposition of any motion filed under
8 Rule 32.2(c)(1)(A), Federal Rules of Criminal Procedure and before a hearing on any
9 third party petition, discovery may be conducted in accordance with the Federal Rules of
10 Civil Procedure upon a showing that such discovery is necessary or desirable to resolve
11 factual issues.


12 IT IS FURTHER ORDERED that the United States shall have clear title to the
13 above-described assets following the Court's disposition of all third party interests, or, if
14 none, following the expiration of the period provided in Title 21, United States Code,
15 Section 853(n) for filing of third party petitions.

16 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this
17 Order, and to amend it as necessary, pursuant to Rule 32.2(e), Federal Rules of Criminal
18 Procedure.

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1 The Clerk of the Court is directed to send a copy of this Preliminary Order of
2 Forfeiture to all counsel of record and nine (9) "raised sealed" certified copies to the
3 United States Attorney's Office in Seattle, Washington.

4 DATED this 7th day of April, 2005.

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7 FRANKLIN D. BURGESS
8 UNITED STATES DISTRICT JUDGE

9 Presented by:

10
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28
s/ GILBERT H. LEVY
GILBERT H. LEVY
Attorney for Defendant Yosef Nahum

s/ YOSEF NAHUM
Yosef Nahum
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2005 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

s/ Jacqueline Masonic
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